

**CITY COUNCIL MINUTES**  
**April 13, 2009**  
**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, April 13, 2009 at 6:00 p.m. with Mayor J. M. Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

**Council Members Present:** Keith Nesbitt, Kevin Hanley, Bill Kirby, Bridget Powers, J. M. Holmes

**Council Members Absent:** None

**Staff Members Present:** City Attorney Michael Colantuono, Community Development Director Will Wong, Senior Planner Reg Murray, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Administrative Manager Joanna Belanger, Police Chief Valerie Harris

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

Mayor Holmes presented the following:

Proclamation:	Patriots' Day
Proclamation:	West Nile Virus and Mosquito & Vector Control Awareness Week April 20-24, 2009
Proclamation:	Youth Temperance Education Week April 19 through 25, 2009
Proclamation:	National Crime Victims Rights Week April 26 through May 2, 2009
Proclamation:	Child Abuse Prevention Month, April 2009
Commendation:	Placer High School Snowboarding Team

Mayor Holmes announced that the City Council had sent a letter to the Governor regarding septic tank inspections. He said a letter has been received from the State Water Resources Control Board advising that the regulations will be revised. He said that there is legislative action pending on the issue.

Mayor Holmes stated that he, Council Member Hanley and Fire Chief D'Ambrogi met with representatives of the Bureau of Reclamation regarding fire safety in the area. He said a letter has been received expressing the Bureau's desire to work closely with the community, particularly in regard to the shaded fuel break project.

Mayor Holmes announced that on the 30<sup>th</sup> of April the Mayor's Prayer Breakfast will be held at Parkside Church at 7:00 a.m.

## **AGENDA APPROVAL**

The agenda was approved as presented by consensus of the Council.

## **CONSENT CALENDAR**

### **1. Warrants**

By **RESOLUTION 09-40** ratify and approve payment of warrants 71744 through 72178 totaling \$2,422,726.60.

### **2. Minutes**

Item removed for discussion to follow Consent Calendar.

### **3. Approval of Service Contract for Citywide Pre-employment Background Investigations**

By **RESOLUTION 09-41** approve the services contract with Morello Investigations Services for pre-employment background investigations to be conducted on all prospective new hires for the City.

### **4. Disadvantaged Business Enterprise Program**

Item removed for discussion to follow Consent Calendar.

### **5. Transit Security Grant Program – Prop 1B**

By **RESOLUTION 09-43** authorize the Director of Public Works and/or Engineering Division Manager to submit and execute on behalf of the City of Auburn a grant application for the California Transit Security Grant Program.

### **6. Agreement with Pacific Gas & Electric for East Area Hangar Project**

By **RESOLUTION 09-44** authorize the Director of Public Works to execute the agreement with Pacific Gas & Electric for the East Area Hangar Project.

7. **Placer County Wise Road Bridge Replacement – Highway Easement**

By **RESOLUTION 09-45** authorize the Director of Public Works to execute the highway easement with Placer County for the Wise Road Bridge.

8. **Wastewater Treatment Plant Groundwater Monitoring – Professional Service Agreement BSK Associates**

By **RESOLUTION 09-46** authorize the Director of Public Works to execute the contract with BSK Associates to perform groundwater monitoring at the Wastewater Treatment Plant.

9. **Amendment of Auburn Municipal Airport Land Leases (Lot 27 and Portion of Lot 28) – Estes Family Trust**

By **RESOLUTION 09-47** authorize the City Manager or his designee to execute amendments to the Auburn Municipal Airport Industrial Park Land Lease Agreements for a Lot 27 and Lot 28A between the City of Auburn and the Estes Family Trust.

10. **Acceptance of Homeland Security Grant Funds**

By **RESOLUTION 09-48** ratify and approve the Auburn Police Department's installation of two in-car camera systems with supporting software/ hardware for a cost no greater than \$26,580.00; 100% of project costs will be paid for by the Department of Homeland Security Grant monies pending installation of the system.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve the consent calendar with the exclusion of Items 2 and 4. **MOTION: Nesbitt/Hanley/Approved 5:0**

2. **Minutes**

Council Member Hanley noted that the minutes of March 9, 2009, Item 10, showed a figure of \$5000 which should have read \$500,000.00 to build a classroom module for the Boys & Girls Club.

By **MOTION** approve City Council minutes of March 9 2009, as corrected, and the minutes of March 17, 2009. **MOTION: Hanley/Nesbitt/ Approved 5:0**

4. **Disadvantaged Business Enterprise Program**

Council Member Nesbitt asked if the Request for Proposals had to be printed in two languages to meet the standards. Public Works Director Warren advised that the City does not have that obligation. He asked if the use of “potential prime contractors” was meant to be statewide. Mr. Warren advised that “it is a matter of good judgment,” which would include the Sacramento area. Council Member Nesbitt said he was simply interested in how much staff time would be involved in the preparation.

Council Member Kirby opposed government documents that require printing in two languages.

Council Member Hanley stated that he would support the measure. However, he said that it demonstrated problems at the State level since it is supposed to be a race-neutral way of awarding contracts. He said when Proposition 209 was passed, it was intended to treat everyone the same based on merit. He said CalTrans now wants to set contract goals by race. He said he felt it was a bad policy, but in order to bring funds into the City, he would go along with it.

By **RESOLUTION 09-42** authorize the City Manager to execute the Disadvantaged Business Enterprise (DBE) Implementation Agreement.  
**MOTION: Nesbitt/Hanley/Approved 4:1 (Abstain Kirby)**

11. **Public Comment**

None

**REPORTS**

12. **Technical Rock Climbing**

Gordon Ainsleigh announced that the members of the Board of Directors of Climbing Resource Advocacy of Greater Sacramento (CRAGS) were in attendance. He said he is an Auburn area business owner. He said, “We need to bring climbers’ money into Auburn.” He said it would also help the level of fitness and health of the people. He said Board Chairman Brian Paulson would be giving the majority of the presentation.

Mr. Paulson said CRAGS has a great interest in the community. He said CRAGS is a non-profit organization to protect rock-climbing access on both public and private land. He said CRAGS wanted the Council to understand the financial benefits to local businesses and the City of Auburn. He said the presentation would provide Council with the history

of climbing in the Auburn State Recreation Area. Mr. Paulson asked for the support of the Council to have climbing “unrestricted and recognized in the Auburn State Recreation Area.” He said several members of the Board would speak about particular issues.

Gordon Ainsleigh spoke about the economic benefits to the community. Renee Ross spoke about the climbing population and other climbing events that have the potential to help the area’s economy. Victor Copeland spoke about some of the special events that could provide additional economic contributions to the Auburn area. Aaron Rough provided history of climbing in the Auburn State Recreation Area. Gordon Ainsleigh concluded the presentation with a request to the Council to encourage, through the proposed resolution, the Bureau of Reclamation and State Parks, in an accelerated process, to allow climbing in the Auburn State Recreation Area.

Mayor Holmes advised that the consensus of the Council will determine if the resolution will be brought before the Council for formal action at a later meeting.

Council Member Hanley asked for the target date CRAGS would present to the State an interim climbing management plan. Mr. Ainsleigh advised that three to four weeks would be a reasonable amount of time.

Council Member Kirby asked CRAGS representatives to explain their concern for landowners. Mr. Paulson said that Bob Houston provided landowners with State law that gave protection to the landowners to eliminate their liability.

Mayor Holmes said he would like to see the issue brought back to the Council for a vote. He suggested the first meeting in May to revisit the issue. He asked that Mr. Ainsleigh review the resolution to possibly make it a little shorter.

Council Member Powers said before making a final decision, she would like to see the climbing management plan. Mayor Holmes told the representatives to let the City know when they are ready to present the plan.

Council Member Nesbitt asked that the resolution be placed on the first agenda in May as a consent item. He asked that it be expedited in order “to substantiate our claim of the Endurance Capital of the World.”

Council Member Hanley stated that he agreed with Council Member Nesbitt. He said it is a good idea, consistent with boosting business in the area.

Council Member Kirby said he would strongly encourage the recreational use of the canyon area.

13. **City Council Committee Reports**

Mayor Holmes said that the SED Corp held a meeting in Nevada City. An update on tourism in that community was presented. He said SED Corp may want to host a wastewater forum. He said he sent a letter to the Auburn-Placer Performing Arts group asking if it would be interesting in hosting a traveling film festival that began in Canada.

Mayor Holmes said the Placer County Air Pollution Control Board met the past week and approved 1.5 million dollars in clean air grants. He said that the City did not qualify for any of the grants. He said that next year the City may possibly be able to obtain a grant for bicycle-related issues, such as bike racks.

Council Member Nesbitt advised that the Youth Advisory Commission is preparing for its May presentations on water conservation. He reminded everyone that the Auburn-Placer Performing Arts Center is having a special event on April 26<sup>th</sup>.

Council Member Powers announced vacancies on the Auburn Arts Commission. She said the Commission is seeking applicants that are interested in assisting with the streetscape design. She said in July the Youth Advisory Commission will be displaying student art at City Hall.

Council Member Kirby said he is working with the business associations and the Chamber to coordinate the possibility of shuttle service during the May Home Show, Endurance Expo and the Antique Fair in Old Town.

**COUNCIL BUSINESS**

14. **Annual Business Improvement Districts (BID) Report Review and Resolution of Intention for Assessment for Fiscal Year 2009-2010**

Administrative Manager Joanna Belanger presented the report. She explained the required Council action. She said Ty Rowe from the Old Town Business Association and Rebecca Toedter from the Downtown Business Association were in attendance to answer any question that the Council may have. She said there will be no changes from last year in the proposed fees.

Ty Rowe, President of the Old Town Business Association, advised that the majority of the plan presented last year was completed. He said the

association is “running in the black,” a business directory and website has been completed, 95% of the lighting project is finished, garbage receptacles have been installed throughout the district, and the Old Town Business Association (OTBA) is working more with the Downtown Business Association (DBA), the County Visitors’ Board and the Chamber in marketing the area. He said the decisions for projects for the next year will be left for the new Board, taking office in June. He advised that OTBA membership has substantially increased.

Rebecca Toedter, Downtown Business Association representative, advised that one of the association’s events was to join with Old Town for the Wine and Food Festival. She said the associations join to present the Country Christmas. She said the two organizations coordinate information with regard to the streetscape. She said the ongoing lighting program will be continued this year. She said Downtown also has 89 businesses involved in the Safe Trick-or-Treat Program. She said the DBA also provides free photos with Santa, and teddy bears at the Festival of Lights Parade for the children. She advised that they also continue the flowerpot maintenance program in downtown and help with Leadership Auburn. She said the DBA raised over \$3,000.00 in sponsorship for holiday lighting and over \$10,000.00 for repairing the Clock Tower. She said in the coming year the DBA will be concentrating on marketing strategies with Old Town.

Mayor Holmes advised that City Attorney mentioned that Downtown BID Report should be amended to include the description of the area of the district. City Attorney Colantuono stated that the boundary exhibit provided to the Council should be added to the report when the Council approves the report.

Mayor Holmes stated that the resolution setting a public hearing needs to be corrected. The portion of the title that states, “Proposing an increase to the assessment in connection with the Old Town Business Improvement District,” should be deleted. He also said the hearing date should be changed from June 9<sup>th</sup> to June 8<sup>th</sup>.

Council Member Hanley suggested that billboard on I-80 include a website address. Ty Rowe said a proposal has been given to the City Manager to place on the Old Town billboard “Visit Auburn.org” website. He said that the website has all the satellite website links. He said the DBA is working with CalTrans to get the international signs of gas, food and lodging in place. He said CalTrans has not allowed any other signage. Council Member Hanley said he is willing to push for a change in that policy.

By **RESOLUTION 09-49** appoint the City Manager as the Advisory Board for the Old Town BID and direct him to produce the report required

pursuant to Section 36533 of the 1989 Law for Fiscal Year 2009-2010 with respect to the Old Town BID. **MOTION: Powers/Kirby/Approved 5:0**

By **RESOLUTION 09-50** appoint the City Manager as the Advisory Board for the Downtown BID and direct him to produce the report required pursuant to Section 36533 of the Law for Fiscal Year 2009-2010 with respect to the Downtown BID; and approve the Annual Reports as filed by the City appointed Advisory Board for the Old Town and Downtown Associations as amended (Report "I" and "II"). **MOTION: Powers/Kirby/Approved 5:0**

By **RESOLUTION 09-51** set a public meeting and hearing for June 8, 2009 to levy annual assessment fees for fiscal year 2009-2010 for the Old Town BID; and set a public meeting and hearing for June 8, 2009 to levy annual assessment fees for fiscal year 2009-2010 for Downtown BID. **MOTION: Powers/Kirby/Approved 5:0**

15. **Agreement with the Auburn 49er Lions Club to provide Voluntary Clean-up and Gardening Services for the Auburn School Park Preserve**

Administrative Manager Joanna Belanger advised that the Lions Club members were unable to attend the meeting due to a Board meeting. She said club members approached the Council a few months ago to ask if they could adopt the School Park Preserve. She said the Lions Club has taken the responsibility for clean-up work and weeding since that time.

By **RESOLUTION 09-52** authorize the City Manager to execute an agreement with the Auburn 49er Lions Club to provide voluntary clean-up and gardening services for the Auburn School Park Preserve. **MOTION: Hanley/Powers/Approved 5:0**

16. **Appointments to the Greater Auburn Area Fire Safe Council (GAAFSC)**

Council Member Hanley advised that the action before the Council was to update the Memorandum of Understanding (MOU) between Placer County and the City governing appointments to the Fire Safe Council. He said it was decided to have eight civilian appointees, four each appointed by the City and the County. He said that would provide a liaison relationship with the fire agencies. He said the Mayor and the Chair of the Board will sign the MOU.



By **MOTION** approve the updated Memorandum of Understanding with Placer County that governs appointments to the Greater Auburn Fire Safe Council. **MOTION: Nesbitt/Hanley/Approved 5:0**

17. **Auburn Municipal Airport East Area Hangars Ground Lease – Auburn East Hangars Row “Charlie” Owners, an Unincorporated Association**

Administrative Services Director Andy Health introduced the item. He said it is recommended to approve a 40-year lease with the third group of individuals at the airport, associated with the East Hangar project.

Mark Machado, the City’s airport consultant for the East Hangar project, advised that this is the third lease in a series. He said this lease is for a group made up of an association of people that were on the “wait list” at the Auburn Airport for about ten years. He said the group is registered with the California Secretary of State and has an established bank account. He said the association is a viable entity with a constitution and a set of bylaws. He advised that the City Attorney had reviewed all documents.

Mayor Holmes questions followed regarding the number of rows available to be leased and the Council’s prior approval for PG&E to bring power to the site.

By **RESOLUTION 09-53** authorize the City Manager or his designee to execute a 40-year ground lease between the City of Auburn, a Municipal Corporation, and Auburn East Hangars Row “Charlie” Owners, an unincorporated association. **MOTION: Nesbitt/Hanley/Approved 5:0**

**ADJOURNMENT**

Mayor Holmes, without objection, adjourned the Council meeting at 7:25 p.m. to the meeting of the Auburn Urban Development Authority.

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J. M. Holmes, Mayor

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Joseph G. R. Labrie, City Clerk